

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 07-1843

Rankine v. Folino

To: Clerk

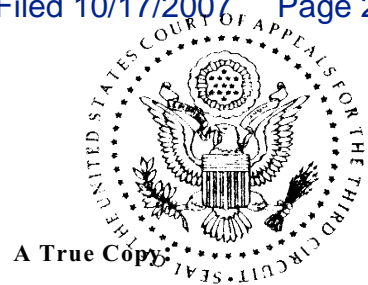
- 1) Motion by Pro Se Appellant to Proceed In Forma Pauperis
- 2) Motion by Pro Se Appellant Demonstrating Imminent Danger

The foregoing documents are considered. Upon further review, it appears that the suggestion in the May 15, 2007 Order of the Clerk that appellant has had three “strikes” under the Prison Litigation Reform Act was incorrect. It appears that appellant has only had two. See Rankine v. Server, E.D. Pa. No. 01-cv-00653 and Rankine v. Wolfe, C.A. No. 05-3254. Accordingly, no action will be taken regarding appellant’s motion demonstrating imminent danger, and his motion to proceed in forma pauperis is hereby granted. Insofar as appellant is a prisoner, he is required to pay the full \$455.00 fee in installments regardless of the outcome of the appeal. Appellant has completed and filed the required authorization form permitting the appropriate prison officials to assess, collect and forward to the District Court the filing and docketing fees for this appeal pursuant to 28 U.S.C. §§ 1915(b)(1) and (2). The Court hereby directs the warden or his or her designee to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to the prisoner’s account; or (b) the average monthly balance in the prisoner’s account for the six month period immediately preceding the filing of the notice of appeal. The warden, or his or her designee, shall calculate, collect, and forward the initial payment assessed in this order to the United States District Court for the Western District of Pennsylvania. In each succeeding month when the amount in the prisoner’s account exceeds \$10.00, the warden, or his or her designee, shall forward payments to the United States District Court for the Western District of Pennsylvania equaling 20% of the preceding month’s income credited to the prisoner’s account until the fees are paid. Each payment shall reference the appellate docket number for this appeal. The appeal will be submitted to a panel of this court for determination under 28 U.S.C. § 1915(e)(2).

For the Court,

/s/ Marcia M. Waldron
Clerk

Dated: October 17, 2007
CLC\cc: Mr. Derrick Rankine



Marcia M. Waldron

Marcia M. Waldron, Clerk

Kemal A. Mericli, Esq.